

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 3-32, 41-43, 45 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richardson et al. U.S. 2005/0010638 in view of DSL Evolution- Architecture Requirements for the Support of QoS Enabled IP Services, Revision 8, (Applicant submitted in IDS filed on 6-7-2004) and further in view of Bales et al. US 5,675,583.

1.1 Regarding claim 1, Richardson discloses a videoconferencing method using Quality of Service (QoS) and/or (examiner note: and/or is interpreted as a simple or, since and/or means and OR or) bandwidth allocation in a Regional/Access Network (RAN) (Fig. 3; Fig. 8A) (section 0056-0057; 0060) that provides end-to-end transport between an Application Service Provider (ASP) (Fig. 8A, 205; videoconference server) and Customer Premises Equipment (CPE) (Fig. 8A: 802, 806) (section 0094-0103), the method comprising:

receiving, by the ASP (i.e. videoconference server), a request for a videoconference designating a plurality of participants (i.e. unicast session when two

participants are involved or multicast session when more than two participants are involved) from one of the plurality of participants (section 0095; 0200-0201; 0206; 0209);

requesting, by the ASP (i.e. videoconference server), a desired QoS and/or bandwidth allocation for the videoconference for the plurality of participants from the RAN using at least one call (i.e. policy server including policy information for a requested videoconference session) responsive to the received request for a videoconference (section 0067-0068; 0103; 0138; 0201; 0205-0206); and

activating the videoconference for the plurality of participants using the desired QoS and/or bandwidth allocation (section 0103; 0201; 0205 -0206).

Richardson does not disclose an Application Programming Interface (API) call responsive to the received request for a videoconference.

DSL Evolution discloses a method using Quality of Service (QoS) and/or bandwidth allocation (Section 4.2.2.2, page 12) in a Regional/Access Network (RAN) (Section 4.2.5, Fig. 11: Regional/Access Network, page 17; Fig. 20: Access Network, page 30) that provides end-to- end transport between an Application Service Provider (ASP) (Fig. 2: ASP Network, Section 3.2, page 7) and Customer Premises Equipment (CPE) (Section 4.2.5, page 17; Fig. 20: CPE, page 30), the method comprising:

receiving, by the ASP, a request for a videoconference (Section 2.1-2.2, pages 2-4; Section 3.2: The Application Service Provider (ASP), page 7; Section 5.1, page 26; Section 5.3.1: Phase 1, page 30; Section C. 1.1: CPE, page 45);

requesting, by the ASP, a desired QoS and/or bandwidth allocation for the videoconference for participants (i.e. users) from the RAN using at least one Application

Programming Interface (API) call responsive to the received request for a videoconference (Section 3.2: The Application Service Provider (ASP), page 7; Section 3.3.1, page 8; Section 4.2.2.1-4.2.2.2, pages 11-12; Section 7.2, page 35); and activating the videoconference for the participants using the desired QoS and/or bandwidth allocation (Section 4.2.2.2, page 12), wherein the API includes an Application-to-Network Interface (ANI) (Fig. 2: ANI, page 7; Section 4.2.2.1-4.2.2.2, Fig. 5: A10-ASP, pages 11-12) that is defined between the RAN and the ASP (Fig. 2, page 7; Fig. 5, page 11).

Again, Richardson discloses the claimed method except Richardson uses at least one call responsive to the received request for a videoconference rather than one API call. However, the claimed feature of an API call responsive to the received request for a videoconference was old and well known in the art. DSL Evolution clearly teaches such concept.

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Richardson to include an API call responsive to the received request for a videoconference as taught by DSL Evolution. In other words, one of ordinary skill in the art would have been lead to make such a modification of Richardson to include an API call responsive to the received request for a videoconference, such as the API call of DSL Evolution, to the RAN of Richardson so the RAN of Richardson can utilize an interface to set up a videoconference session between the ASP and the RAN and allocate QoS and/or bandwidth allocation for the session.

Richardson in view of DSL Evolution do not disclose requesting capabilities associated with at least one of the participants from the RAN; selecting a desired QoS and/or bandwidth allocation based on the capabilities.

Bales discloses a videoconferencing method comprising:

requesting capabilities associated with at least one of the participants from a switch (part of a regional /access network, or RAN) (col. 5, line 63 – col. 6, line 2);

selecting a desired bandwidth for a video/audio conference call based on the capabilities (note: in Bales' example, terminal 104 has only audio capability, and a conference is conducted in audio only, however, it would have been obvious that when terminal 104 has audio and video capabilities, the conference would have been a video conference (col. 5, line 38 – col. 6, line 6; col. 24, lines 17-21).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Richardson in view of DSL Evolution to include requesting capabilities associated with at least one of the participants from the RAN; selecting a desired QoS and/or bandwidth allocation based on the capabilities as taught by Bales. In other words, one of ordinary skill in the art would have been lead to make such a modification of Richardson in view of DSL Evolution to include requesting capabilities associated with at least one of the participants from the RAN; selecting a desired QoS and/or bandwidth allocation based on the capabilities, such as the requesting capabilities associated with at least one of the participants from the RAN; selecting a desired QoS and/or bandwidth allocation based on the capabilities of Bales,

to the method of Richardson in view of DSL Evolution in order to set up desired QoS and/or bandwidth before a videoconference begins.

1.2 Regarding claim 3, please see (Richardson: section 0157, 0195-0199; DSL Evolution: Section: 4.2.1.2, page 11; Section 7.2, page 35).

1.3 Regarding claim 4, please see (Richardson: section 0205-0206, 0211-0212; DSL Evolution: Section 2.2., pages 2-4; Section 5.1-5.1.1, pages 26-27).

1.4 Regarding claim 5, please see (Richardson: section 0059, 0081-0082; DSL Evolution: Section: 4.2.7.2, page 24).

1.5 Regarding claim 6, please see (Richardson: section 0055, 0065, 0069).

1.6 Regarding claim 7, please see (Richardson: section 0205).

1.7 Regarding claim 8, please see (Richardson: Fig. 2, 210; section 0056, 0068; DSL Evolution: Section 3.1, page 4; Fig. 12: BRAS, page 18; Section 4.2.5.2, pages 18-19).

1.8 Regarding claim 9, please see (Richardson: section 0117-0121; DSL Evolution: Section: 4.2.7.2, page 24).

1.9 Regarding claim 10, please see (Richardson: section 0063, 0065, 0138, 0164-0166, 0186, 0207; DSL Evolution: Section 4.2.5.2, page 18).

1.10 Regarding claim 11, please see (Richardson: section 0138, 0154, 0158, 0163-0166, 0186).

1.11 Regarding claim 12, please see (Richardson: section 0138, 0154, 0158, 0163-0165, 0187, 0186).

1.12 Regarding claim 13, please see (Richardson: section 0153, 0164-0166, 0186, 0205-0206; DSL Evolution: Section 5.3.1-5.3.2.3, pages 28-34).

1.13 Regarding claim 14, please see (Richardson: section 0101-0103, DSL Evolution: Section 4.2.1.1-4.2.1.2, pages 10-11; Section 4.2.5.1, page 17).

1.14 Regarding claim 15, please see (Richardson: section 0094-0099, 0201; DSL Evolution: Section 2.1-2.2, pages 2-4; Section 3.2, page 7; Section 5.1, page 26; Section C. 1.1 : CPE, page 45).

1.15 Regarding claim 16, please see (Richardson: section 0164-0166, 0186, 0205-0206, 0211- 0212; DSL Evolution: Section 4.2.5.2, page 18).

1.16 Regarding claim 17, please see (Richardson: section 0056, 0067, 0092, 0164-0166, 0186, CPN: Fig. 2, 225, RG: Fig. 2, 240, Fig. 1c, 138; DSL Evolution: Section 2.2., pages 2-4; Section 3.3.4, page 8; Fig. 14, page 21; Section 4.2.7, pages 22-23; Section 4.2.7.2, pages 23-24; Section 5.1-5.1.1, pages 26-27).

1.17 Regarding claim 18, please see (Richardson: section 0142-0147; D SL Evolution: Section 4.2.1.1-4.2.2.2, pages 10-12).

1.18 Regarding claim 19, please see (Richardson: section 0153, 0205-0206; DSL Evolution: Section 5.3.1-5.3.2.3, pages 28-34).

1.19 Regarding claim 20, please see (Richardson: section 0164-0166, 0186, 0205-0206, 0211 - 0212).

1.20 Regarding claim 21, please see (Richardson: section 0054, 0158, 0164-0166, 0186; DSL Evolution: Appendix B, pages 40-43).

1.21 Regarding claim 22, please see (Richardson: section 0164-0166, 0178, 0186, 0205-0206, 0211-0212).

1.22 Regarding claim 23, please see (Richardson: section 0184-0186).

1.23 Regarding claim 24, please see (Richardson: Fig. 1c, 136, section 0092; DSL Evolution: Section 4.2.7.1-4.2.7.2, pages 23-24).

1.24 Regarding claim 25, please see (Richardson: section 0205-0206; DSL Evolution: Section 4.2.5.2, page 18; Section 5.3.2, page 31).

1.25 Regarding claim 26, please see (Richardson: section 0164-0166, 0186, 0205-0206).

1.26 Regarding claim 27, please see (Richardson: section 0060; DSL Evolution: Section 4.2.7.1-4.2.7.2, pages 23-24).

1.27 Regarding claim 28, please see (Richardson: section 0164-0166, 0186; DSL Evolution: Section 4.2.7.2, page 24).

1.28 Regarding claim 29, please see (Richardson: section 0060, 0101-0102, 0164-0166, 0186, 0205; DSL Evolution: Section 4.2.7.2, page 24).

1.29 Regarding claim 30, please see (Richardson: section 0101-0102, 0205-0206; DSL Evolution: Section 4.2.5-4.2.5.1, pages 17-18).

1.30 Regarding claim 31, please see (Richardson: section 0065, 0101-0102, 0205-0206).

1.31 Regarding claim 32, please see (Richardson: section 0094-0099, 0201, 0205).

1.32 Regarding claim 41, please see the rejection to claim 1 above to reject the videoconferencing system in claim 41; (Richardson: authentication -> see membership of each participant and public/private call: section 0063; 0065; Bales: requesting desired QoS and/or bandwidth allocation, col. 5, line 38 – col. 6, line 6).

1.33 Regarding claim 42, please see (Richardson: section 0205-0206, 0211-0212; DSL Evolution: Section 2.2., pages 2-4; Section 5.1-5.1.1, pages 26-27).

1.34 Regarding claim 43, please see (Richardson: section 0205-0206; DSL Evolution: Section 2.2, page 4; Section 4.2.2.2, page 12; Section 7.1, page 35).

1.35 Regarding claim 45, please see (Richardson: MCU: videoconference session controller; section 0205-0206).

1.36 Regarding claim 46, please see (Richardson: section 0205-0206).

2. Claims 33-40 and 47-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richardson et al. U.S. 2005/0010638 in view of DSL Evolution-Architecture Requirements for the Support of QoS Enabled IP Services, Revision 8, hereinafter DSL Evolution (Applicant submitted in IDS filed on 6-7-2004).

2.1 Regarding claim 33, Richardson discloses a videoconferencing method using Quality of Service (QoS) and/or bandwidth allocation in a Regional/Access Network (RAN) (Fig. 3; Fig. 8A) (section 0056-0057; 0060) that provides end-to-end transport between an Application Service Provider (ASP) (Fig. 8A, 205; videoconference server) and a Customer Premises Equipment (CPE) (Fig. 8A: 802, 806) (section 0094-0103), the method comprising:

receiving, from the ASP (i.e. videoconference server), at the RAN a modify QoS and/or bandwidth allocation message for a videoconference for a plurality of participants (i.e. unicast session when two participants are involved or multicast session when more than two participants are involved) (section 0099-0103; 0142-0147; 0164-0166; 0200-0201; 0205-0206);

identifying, by the RAN, the participants and at least one CPE associated with the participants (section 0200-0201; 0205-0206; 0209);

establishing, by the RAN, a control signal application flow, a video application flow, and an audio application flow for each of the identified participants (section 0067-0068; 0142-0147; 0153; 0205-0206);

updating the RAN with QoS and/or bandwidth information for the established application flows based on the received modify QoS and/or bandwidth allocation message (section 0067-0068; 0134; 0142-0147; 0164-0166; 0205-0206); and sending the QoS and/or bandwidth information for the established application flows to the identified at least one CPE (section 0142-0147; 0164-0166; 0205-0206).

Richardson does not disclose the RAN includes a regional broadband network, a broadband remote access server and an access network.

DSL Evolution discloses a method using Quality of Service (QoS) and/or bandwidth allocation (Section 4.2.2.2, page 12) in a Regional/Access Network (RAN) (Section 4.2.5, Fig. 11: Regional/Access Network, page 17; Fig. 20: Access Network, page 30) that provides end-to-end transport between an Application Service Provider (ASP) (Fig. 2: ASP Network, Section 3.2, page 7) and Customer Premises Equipment (CPE) (Section 4.2.5, page 17; Fig. 20: CPE, page 30), the method comprising:

receiving, from the ASP, at the RAN a modify QoS and/or bandwidth allocation message for a videoconference for participants (i.e. users) (Section 2.2., pages 2-4; Section 5.1-5.1.1, pages 26- 27);

identifying, by the RAN, the participants and at least one CPE associated with the participants (Section 3.2: The Application Service Provider (ASP), pages 7-8; Section 4.2.7, pages 22-23; Section 7.1-7.2, page 35);

establishing, by the RAN, a control signal application flow, a video application flow, and an audio application flow for each of the identified participants (Section 5.3.1-5.3.2.3, pages 28-34);

updating the RAN with QoS and/or bandwidth information for the established application flows based on the received modify QoS and/or bandwidth allocation message (Section 2.2., pages 2-4; Section 5.1-5.1.1, pages 26-27); and

sending the QoS and/or bandwidth information for the established application flows to the identified at least one CPE (Section 3.2: The Application Service Provider (ASP), pages 7-8; Section 4.2.7, pages 22-23; Section 5.3.1-5.3.2.3, pages 28- 34; Section 7.1-7.2, page 35), wherein the RAN includes a regional broadband network, a broadband remote access server and an access network (Section 3.1, page 4; Section 4.2.5- 4.2.5.3, pages 17-19; Fig. 12: Regional Broadband Network, BRAS, Access Network, page 18).

Again, Richardson discloses the claimed method except Richardson discloses a RAN rather than the RAN includes a regional broadband network, a broadband remote access server and an access network. However, the claimed feature of the RAN includes a regional broadband network, a broadband remote access server and an access network was old and well known in the art. DSL Evolution clearly teaches such concept.

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Richardson to include the RAN includes a regional broadband network, a broadband remote access server and an access network

as taught by DSL Evolution. In other words, one of ordinary skill in the art would have been lead to make such a modification of Richardson to include the RAN includes a regional broadband network, a broadband remote access server and an access network, such as the RAN of DSL Evolution, to the RAN of Richardson so the RAN of Richardson can support multiple videoconference sessions for participants and allocate QoS and/or bandwidth allocation for the session.

2.2 Regarding claim 34, please see (Richardson: section 0067-0068, 0103, 0138, 0201, 0205- 0206; DSL Evolution: Section 3.2: The Application Service Provider (ASP), page 7; Section 3.3.1, page 8; Section 4.2.2.1-4.2.2.2, pages 11-12; Section 7.2, page 35).

2.3 Regarding claim 35, please see (Richardson: section 0205-0206; DSL Evolution: Section 2.2, page 4; Section 4.2.2.2, page 12; Section 7.1, page 35).

2.4 Regarding claim 36, please see (Richardson: section 0157, 0195-0199; DSL Evolution: Section: 4.2.1.2, page 11; Section 7.2, page 35).

2.5 Regarding claim 37, please see (Richardson: section 0142-0147; D SL Evolution: Section 4.2.1.1-4.2.2.2, pages 10-12).

2.6 Regarding claim 38, please see (Richardson: section 0153, 0205-0206; DSL Evolution: Section 5.3.1-5.3.2.3, pages 28-34).

2.7 Regarding claim 39, please see (Richardson: section 0056, 0067, 0092, 0164-0166, 0186, 0205-0206, 0211-0212, CPN: Fig. 2, 225, RG: Fig. 2, 240, Fig. 1c, 138; DSL Evolution: Section 2.2., pages 2-4; Section 3.3.4, page 8; Fig. 14, page 21; Section 4.2.7, pages 22-23; Section 4.2.7.2, pages 23-24; Section 5.1-5.1.1, pages 26-27).

2.8 Regarding claim 40, please see (Richardson: section 0054, 0158, 0164-0166, 0186; DSL Evolution: Appendix B, pages 40-43).

2.9 Regarding claim 47, please see the rejection to claim 33 above to reject the videoconferencing system in claim 47.

2.10 Regarding claim 48, please see (Richardson: section 0067-0068, 0103, 0138, 0201, 0205- 0206; DSL Evolution: Section 3.2: The Application Service Provider (ASP), page 7; Section 3.3.1, page 8; Section 4.2.2.1-4.2.2.2, pages 11-12; Section 7.2, page 35).

2.11 Regarding claim 49, please see (Richardson: section 0205-0206; DSL Evolution:

Section 2.2, page 4; Section 4.2.2.2, page 12; Section 7.1, page 35).

2.12 Regarding claim 50, please see (Richardson: section 0157, 0195-0199; DSL Evolution: Section: 4.2.1.2, page 11; Section 7.2, page 35).

2.13 Regarding claim 51, please see (Richardson: section 0067-0068; 0164-0166, 0186, 0205- 0206, 0211-0212).

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1, 3-32, 41-43, 45 and 46 have been considered but are moot in view of the new ground(s) of rejection.

4. Applicant's arguments filed on 09/23/2009 with respect to claims 33-40 and 47-51 have been fully considered but they are not persuasive.

Applicant argues that the prior art does not teach the limitation of: "a control signal application flow, a video application flow, and an audio application flow for each of the identified participant".

Examiner respectfully disagrees. As acknowledged by the applicant in the Remarks that Richardson discloses: "the present invention provides a messaging system that allows a server to control video encoding parameters of each individual client based on messages sent from a videoconference session controlling client or

network equipment." (Richardson, paragraph 0205.) Additionally, paragraphs 0067-0068 appear to describe a network architecture database that may be used by a videoconference server to "effectively manage the bandwidth and quality of service." (Richardson, paragraph 0067.) Further, paragraph 0153 of Richardson describes that the "client application is responsible for interacting with a user, exchanging of multimedia content with other client applications, and for managing calls with the server application." Since a server (part of a RAN) control the audio and video flow of each conferee, Richardson obviously teaches the claimed: "a video application flow, and an audio application flow for each of the identified participant". Further Richardson teaches: "the present invention provides a messaging system that allows a server to control video encoding parameters of each individual client based on messages sent from a videoconference session controlling client or network equipment", which obviously reads on the claimed: "a control signal application flow". Thus the prior art teaches the claimed limitations recited in the independent claims 33 and 47.

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Simon Sing whose telephone number is 571-272-7545. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached at 571-272-7547. The fax phone number for

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the organization where this application or proceeding is assigned is 571-273-8300. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

Simon Sing/

Primary Examiner, Art Unit 2614